

IMPORTANT INFORMATION FOR CURRENT AND FUTURE CHILD CARE PROVIDERS

ELIGIBILITY TO BE EMPLOYED IN CHILD CARE IN VIRGINIA

If you are currently or plan to become a child care provider in a child care program located in Virginia, you need to be aware that the Code of Virginia (Code) restricts who may legally provide child care in Virginia. If you are currently employed in a child care program outside of Virginia, you should refer to the restrictions for the state where you are employed.

For purposes of the restrictions discussed in this document, there are two types of providers—those employed in regulated care programs or recipients of public child care subsidy money and those that are employed in unregulated care programs. Regulated care includes the following: licensed child day centers, religious exempt child day centers, certified preschool or nursery school programs, licensed family day homes, voluntarily registered family day homes, family day system homes, and local agency approved homes.

All Virginia Child Care Providers

In accordance with sections 63.2-1704, 63.2-1720, 63.2-1721, 63.2-1722, and 63.2-1724 of the Code, all persons employed in the field of child care as well as adults residing in family day homes must not have been:

- the subject of a founded complaint of child abuse or neglect in Virginia or elsewhere; or
- convicted as a sex offender, as defined in § 63.2-1727 of the Code, in Virginia or elsewhere. (Refer to Title 18.2 of the Code for actual listing of the crimes.)

Virginia Child Care Providers Who are Employed in Regulated Programs or Receive Public Child Care Subsidy Funds

In addition to the above restrictions, those employed in regulated care, receiving public child care subsidy money, or adults who are residing in family day homes must not have been convicted of crimes set forth in section 63.2-1719 of the Code. The general categories of crimes are:

Title 18.2 Crimes and Offenses Generally Chapter Four Crimes Against the Person

Article One – Homicide

Article Two – Crimes by Mob

Article Three – Kidnapping

Article Four – Assault and Bodily Wounding

Article Five – Robbery

Article Six – Extortion and Other Threats

Article Seven – Criminal Sexual Assault

Chapter Five Crimes Against Property

Article One – Arson and Related Crimes

Article Two – Burglary and Related Offenses

Chapter Seven Crimes Involving Health and Safety

Article One – Drugs (felony crimes only)

Article Four – Dangerous Use of Firearms or Other Weapons

Article Five – Uniform Machine Gun Act

Article Six – “Sawed-Off Shotgun” and “Sawed-Off Rifle Act”

Article Eight – Miscellaneous Dangerous Conduct

Chapter Eight Crimes Morals and Decency

Article Three – Sexual Offenses and Prostitution

Article Four – Family Offenses; Crimes Against Children, etc.

Article Five – Obscenity and Related Offenses

Chapter Ten Crimes Against the Administration of Justice

Article Seven – Escape of, Communications with and Deliveries to
Prisoners

Title 53.1 – Prisons and Other Methods of Correction

Chapter 7 Crimes and Criminal Proceedings Involving Prisoners

Article One – Crimes by Prisoners

For specific information on any of the crimes mentioned in this document, please refer to the aforementioned sections of the Code. Should you have additional questions **about background checks**, please contact the appropriate representative from the child care licensing/certifying/approval agency that monitors your child care business.

